

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Integon National Insurance Company insured defendant Robert Hutsell (“Hutsell”) under a homeowner’s policy pursuant to which plaintiff promised to defend and indemnify Hutsell if a claim or suit was brought against him because of “bodily injury” caused by an “occurrence,” which the policy defined as encompassing some forms of “accidents” which result in bodily injury. (Doc. No. 1 at ¶¶ 8–10.) On May 11, 2019, Hutsell attended an event with defendant Jason May (“May”). (*Id.* at ¶¶ 11–12.) At that event, Hutsell punched May in the face. (*Id.* at ¶ 13.) May later filed suit against Hutsell and others. (*Id.* at ¶ 14.)

After properly serving May with the complaint in this case (Doc. No. 12), which May failed to answer, plaintiff sought default judgment against May on its claim requesting a declaration that

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1 plaintiff has no obligation to indemnify Hutsell. (Doc. No. 19-1 at 34.)¹ May did not oppose the
2 motion. On August 3, 2020, the Court issued findings and recommendation to grant the motion for
3 default judgment, providing the parties fourteen days to file any objections to the recommendation.
4 (Doc. No. 21.) In addition, the parties were “advised that failure to file objections within the specified
5 time may waive the right to appeal the District Court’s order.” (*Id.* at 5.) To date, no objections have
6 been filed and the time period for doing so has expired.

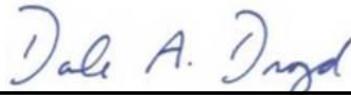
7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United*
8 *School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this court conducted a *de novo* review of the case.
9 Having carefully reviewed the file, the court finds the findings and recommendations are supported by
10 the record and proper analysis.

11 Accordingly, the Court **ORDERS**:

12 1. The findings and recommendations dated August 3, 2020 (Doc. No. 21) are **ADOPTED IN**
13 **FULL**; and
14 2. Plaintiff’s motion for default judgment as to defendant May is **GRANTED** (Doc. No. 19).

15 IT IS SO ORDERED.

16 Dated: August 21, 2020


17 UNITED STATES DISTRICT JUDGE

27 ¹ By stipulation and order, on August 7, 2020, this case was stayed for all purposes as to defendant
28 Hutsell until the criminal case pending against him in state court based upon the incident at issue in
this action is resolved. (Doc. No. 23.)